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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,195	11/21/2001	Brad A. Duffy	OC0211US	1220

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EXAMINER

COLAIANNI, MICHAEL

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/990,195

Applicant(s)
Duffy et al.

Examiner
Michael Colaianne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 30, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above, claim(s) 10-13, 22-39, 44, 48, and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-21, 40-43, and 45-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4, 7 6) ☐ Other: _____

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Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-24, 40-49, drawn to a glass panel laminate, classified in class 428, subclass 38.
- II. Claims 25-39, drawn to a method of making a glass panel, classified in class 65, subclass 60.2.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by another and materially different process, such as one that forms the pin point holes by piercing the film instead of removing the nodules.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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5. This application contains claims directed to the following patentably distinct species of the claimed invention: IF GROUP I IS CHOSEN A FURTHER ELECTION FROM THE FOLLOWING SPECIES IS REQUIRED: **Specie I**, claims 1-9, 40-43, drawn to a glass panel having a moisture sensitive barrier having pinholes; **Specie II**, claims 10-13, 44, drawn to a glass panel having an E-coating and an anti-reflective coating; **Specie III**, claims 14-22, 45-47, drawn to a glass panel having a thin film stack with pinhole formed by removal of nodules; **Specie IV**, claims 23-24, 48-49 drawn to a glass panel having a low E-coating with an index matching film thereon.

IF GROUP II IS ELECTED A FURTHER ELECTION FROM THE FOLLOWING SPECIES IS REQUIRED: **Specie I**, claims 25-37, drawn to a method of making a glass panel where pinholes are produced by removing nodules from the moisture sensitive coating; and **Specie II**, claims 38-39, drawn to a method of making a glass panel having an E-coating thereon and produced by simultaneously tempering the glass sheet.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic to claim 14.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. During a telephone conversation with Scott Hewett on March 10, 2003 a provisional election was made with traverse to prosecute the invention of Group I, Specie I, claims 1-9, 40-43 and Specie III claims 14-21 and 45-47. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-13, 22-39, 44, 48-49 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention and specie. Claim 22 has not be rejoined because it is deemed to be directed to a separate species that is not linked to the generic claim.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

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amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, line 3 refers to the resistance being 5 Ohm/square but fails to give a unit of area.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-2, 9, 14, 18, 40-43, 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones 5920080.

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Jones teaches a glass panel coated with a first multiple layer, moisture sensitive coating having pinholes and a second multiple layer coating for protecting the first layer from exposure to moisture from the pinholes (col. 2-3, lines 27-67, 1-8, col. 6, lines 1-20, col. 7, line 24-25).

Jones also teaches that the moisture sensitive coating is transparent (col. 7, lines 14-15, col. 6, lines 1-8, col. 3, lines 4-8).

Jones also teaches that a dyed layer may be used with the glass panel display (col. 1, lines 39-49, col. 9, lines 6-12). Jones also teaches that the dyed layer serves as both a polymer layer and an adhesive layer and the dyed layer is spaced from the moisture-sensitive layer (col. 8-9, lines 59-67, 1-12, Fig. 4, ref. No. 300, 200, 100).

12. Claims 1-2, 7-8, 14-15 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Stachowiak 6475626.

Stachowiak teaches a glass panel coated with a first multiple layer, moisture sensitive coating having pinholes and a second multiple layer coating for protecting the first layer from exposure to moisture from the pinholes (col. 4, lines 19-43, because Stachowiak forms a low-E coating on the glass substrate, like applicant, the low-E coating layer must have pinholes present).

Stachowiak also teaches that the coating is tempered with the glass substrate (claim 3).

Stachowiak also teaches forming an index-matching coating on the first coating (col. 2, lines 17-28, 49-65).

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Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones 5920080.

Jones teaches applicant's claimed invention. See the §102(b) rejection for Jones' teachings. However, Jones does not teach that that the sheet resistivity is less than 5 Ohm per square.

However, Jones does teach that the OLED has a low activation voltage of 5 Volts which would obviously include a very low resistance and would thus encompass a value of 5 Ohm per

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square. Moreover, because no units of area are given, the claimed resistance value of 5 Ohms may be over the a very large area which further supports a finding of obviousness.

It would have been prima facie obvious at the time the invention was made to combine a sheet having a very low resistance with Jones' OLED glass panel display for the reasons given in the body of the rejection.

16. Claims 4-6, 15-17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones 5920080 in view of Singh et al. 6472073 and Eshner 3034916.

Jones teaches applicant's claimed invention. See the §102(b) rejection for Jones' teachings. However, Jones does not teach using an MgF_2 antireflective coating.

However, Singh et al. and Eshner teach that it is known to use MgF_2 as an antireflective, protective coating material (Singh, col. 1, lines 19-35). Moreover, Singh teaches that the magnesium fluoride coating is low friction and chemically inert (col.1, lines 19-55). It would have been obvious to us magnesium fluoride with Jones' layered optical structure in order to further enhance the light transmission of the glass laminate. Singh teaches that the magnesium fluoride is known to be used in LCD displays, etc. to enhance the light transmissive properties of the display (col. 1, lines 20-32).

It would have been prima facie obvious at the time the invention was made to combine Singh's and Eshner's teachings with Jones' glass panel display for the reasons given in the body of the rejection.

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17. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones 5920080 in view of Kanbara et al. 6197408.

Jones teaches applicant's claimed invention. See the §102(b) rejection for Jones' teachings. However, Jones does not teach using a PET film in the assembly.

However, Kanbara et al. teach that it is known to use a PET film in combination with LCD and other display devices (abstract, col. 6, lines 66-67). Kanbara et al. also teach that PET is known for its transparency, heat resistance, handling capability and cost (col. 7, lines 8-11). Given Kanbara's teachings, it would have been obvious to use PET film with Jones' OLED device to prevent electromagnetic dissipation from the device to the user, while not affecting the OLED's transparency (light emitting properties) or cost.

It would have been prima facie obvious at the time the invention was made to combine Kanbara's use of PET film with Jones' OLED device for the reasons given in the body of the rejection.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Colaianni whose telephone number is 703-305-5493. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin, can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

A handwritten signature in black ink, appearing to read "Michael Colaianni", with a stylized flourish at the end.

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March 14, 2003

MICHAEL COLAIANNI
PRIMARY EXAMINER